MYSORE ACT No. XXV OF 1942.

THE PENALTIES (ENHANCEMENT) ACT, 1942.

(AS AMENDED BY ACTS XXVIII OF 1943, XIII OF 1945 AND XIII OF 1949.)

(Received the assent of His Highness the Maharaja on the seventh day of July 1942.)

WHEREAS it is expedient to make immediate provision for the enhancement in certain circumstances of the penalties provided by law for the punishment of certain offences;

It is hereby enacted as follows:—

Short title, extent and operation.

1. (1) This Act may be called the Penalties (Enhancement) Act, 1942.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once; but sections 3 to 7 inclusive, shall have effect only in pursuance of and in accordance with a notification issued under section 2 and only so long as such notification remains unrescinded.

Power of Government to put the provisions of this Act into effect.

2. The Government may, from time to time, by notification in the official Gazette, declare that sections [2][3 to 7A] inclusive, or any of them, or such provisions of section 4 or section 7 [2][or section 7-A] as relate to a particular offence or particular offences therein specified shall have effect throughout [1][the State of Mysore except Bellary District] or any specified area of [1][the State of Mysore except Bellary District.]

Punishment for theft.

3. Whooever commits theft in any premises which have been damaged by war operations, or vacated by reason of attack by the enemy or in consequence of any authorised directions given for the purpose of meeting or hindering any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in any such attack or commits theft of any article which has been left exposed or unprotected as a

1. See the Mysore Adaptation of Laws Order, 1953.
2. Substituted by Act XXVIII of 1943.

consequence of war operations, shall be punished with death, or with rigorous imprisonment for a term which may extend to ten years.[1]

Explanation.—In this section "theft" means theft as defined in section 378 of the Indian Penal Code as in force in Mysore and "authorised directions" means any order or directions made or given in the exercise of any power conferred by or under the Defence of India Act, 1939, as applied to Mysore, or made or given by any officer of His Highness the Maharaja's forces acting in the course of his duties.

Punishment for offences under sections 326, 386, 387, 392, 393, 399, 435 and 436, Indian Penal Code.

4. Whoever commits an offence punishable under section 326 or section 386 or section 387 or section 392 or section 393 or section 399 or section 435 or section 436 of the Indian Penal Code as in force in Mysore, may, in lieu of any punishment to which he is liable under the said Code, be punished with death.[1]

Punishment for contravention of rule 35, Defence of India Rules.

5. Whoever contravenes any of the provisions [2][for the time being in force] of rule 35 of the Defence of India Rules as applied to Mysore, [2][or is deemed under rule 121 of the said rules to have contravened any such provision], may, in lieu of any punishment to which he is liable under [3][the said rules], be punished with death.[1]

Punishment for offences under sections 376, 380, 382, 394 or 395, Indian Penal Code.

6. Whoever commits an offence punishable under section 376 or section 380 or section 382 or section 394 or section 395 of the Indian Penal Code as in force in Mysore, may, in lieu of any punishment to which he is liable under the said Code be punished with death.[1]

[4][**7.** * * *

Punishment of offences under sections 3, 4 and 5 of Act VI of 1908 of the Government of India.

[5][**7-A.** Whoever commits an offence punishable under section 3 or section 4 or section 5 of the Explosive Substances Act, 1908, as applied to Mysore, may in lieu of any punishment to which he is liable under the said Act, be punished with death.[2]

1. Certain words omtted by Act XIII of 1949.
2. Inserted by Act XXVIII of 1943.
3. Substituted by the Act XXVIII of 1943.
4. Section 7 repealed by Act XIII of 1949.
5. Inserted by Act XXVIII of 1943.

Punishment for attempts to commit and abetment of offences.

7-B. Whoever attempts to commit, or abets, or attempts to abet, or does any act preparatory to the commission of any offence referred to in sections 3, 4, 6, 7 or 7-A shall, notwithstanding anything contained in the Indian Penal Code as in force in Mysore, be punishable with the punishment provided for the commission of the offence.]

Saving.

8. Notwithstanding anything elsewhere contained in any Act, Regulation or Enactment, an offence made punishable with death by this Act shall not, by reason of having been made so punishable, cease to be triable by any Court which might have tried the offence had it not been made so punishable.

Repeal.

9. The Penalties Enhancement (Emergency) Act, 1942 (XVIII of 1942), is hereby repealed.